

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PATRICK DARNELL PHILLIPS,)	
)	
Petitioner,)	
vs.)	NO. CIV-12-0735-HE
)	
JUSTIN JONES,)	
)	
Respondent.)	

ORDER

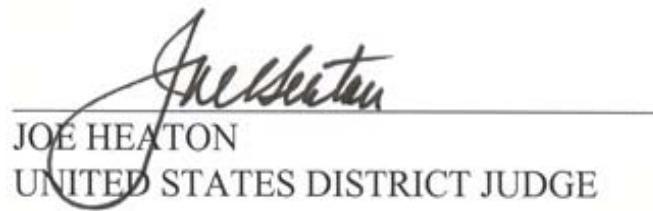
Petitioner Patrick Darnell Phillips, a prisoner appearing *pro se*, filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He also sought leave to proceed *in forma pauperis* (“*IFP*”) [Doc. #7]. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Robert E. Bacharach, who recommended that petitioner’s request for *IFP* status be denied [Doc. #8]. Thereafter, petitioner paid the filing fees, causing Judge Bacharach to vacate his prior recommendation and to recommend dismissal of the request on the basis of mootness [Doc. #12].

Petitioner failed to object to the Magistrate Judge’s Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C).

Accordingly, the court **ADOPTS** Magistrate Judge Bacharach’s Report and Recommendation [Doc. #12] and **STRIKES** petitioner’s motion for leave to proceed *in forma pauperis* [Doc. #7] as **MOOT**.

IT IS SO ORDERED.

Dated this 23rd day of October, 2012.



JOE HEATON
UNITED STATES DISTRICT JUDGE